



**DLA Piper US LLP**  
2000 University Avenue  
East Palo Alto, California 94303-2214  
[www.dlapiper.com](http://www.dlapiper.com)

Christine Corbett  
[Christine.corbett@dlapiper.com](mailto:Christine.corbett@dlapiper.com)  
T 650.833.2141  
F 650.833-2001

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OUR FILE NO. 347155-29

*VIA E-FILE*

Magistrate Judge Elizabeth D. Laporte  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: Network Appliance, Inc. v. Sun Microsystems, Inc., U.S.D.C., Case No. C-07-06053 EDL**

Dear Magistrate Judge Laporte:

Sun Microsystems, Inc. ("Sun") respectfully submits this letter to inform the Court of a significant change in the reexamination status of NetApp's United States Patent No. 6,892,211 ("the '211 patent"). On September 2, 2008, the United States Patent and Trademark Office posted an office action rejecting all claims of the '211 patent based on twelve prior art references.

Pursuant to the Court's May 23, 2008 Order, Sun intends to file a renewed motion to stay the case with respect to the '211 patent on September 8, 2008.

Respectfully,

DLA PIPER US LLP

A handwritten signature in cursive script that reads 'Christine K. Corbett'.

Christine K. Corbett  
[christine.corbett@dlapiper.com](mailto:christine.corbett@dlapiper.com)